

1 touching him in any way he grabbed her arm and
2 twisted it behind her back.

3 JUDGE SIPPEL: All right, I don't
4 want to get into this. I just want to know
5 what your rationale is. Your rationale is
6 that he has not complied with what he was told
7 to do.

8 MS. LANCASTER: Well his rationale
9 is that he still

10 JUDGE SIPPEL: Your rationale not
11 his.

12 MS. LANCASTER: My rationale is
13 that he still has a problem with aggression.

14 JUDGE SIPPEL: All right, well
15 let's see where you go with this.

16 BY MS. LANCASTER:

17 Q I wanted to go back one second. I
18 just saw something I didn't ask you about.
19 When you had the infraction for oral and anal
20 sex with the developmentally disabled inmate
21 you received -- you lost release time didn't
22 you. Weren't you punished for that?

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1 A I believe that's correct.

2 Q You lost 60 days I believe. Is
3 that correct?

4 A I believe that's what the
5 documentation says.

6 Q Okay.

7 A I don't dispute that.

8 Q I believe it says 60 days of early
9 release time.

10 JUDGE SIPPEL: He's agreeing with
11 you.

12 MS. LANCASTER: I know. I just was
13 not --

14 JUDGE SIPPEL: He's agreeing with
15 you.

16 MS. LANCASTER: -- articulating it
17 very well.

18 JUDGE SIPPEL: Let's just move it
19 along please.

20 BY MS. LANCASTER:

21 Q I believe your last sex offender
22 treatment was in the early to mid-90's. Is

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1 that correct?

2 A That sounds correct.

3 Q Okay, let's look at the next
4 incident report which is on page 38.

5 A Okay I've got that.

6 Q Do you recall this incident?

7 JUDGE SIPPEL: Don't get a day and
8 year?

9 MS. LANCASTER: Yes sir, it's an
10 incident report, the reported date is July 7,
11 2004.

12 JUDGE SIPPEL: Right, and the
13 previous one was what 2002?

14 MS. LANCASTER: 2002.

15 JUDGE SIPPEL: And that's the
16 automobile accident?

17 MS. LANCASTER: Yes sir.

18 JUDGE SIPPEL: So two years later
19 we have another incident report?

20 MS. LANCASTER: Yes sir.

21 JUDGE SIPPEL: Okay.

22 BY MS. LANCASTER:

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1 Q Do you recall this incident Mr.
2 Titus?

3 A Yes I do.

4 Q Have you read the report?

5 A Yes, I have.

6 Q Okay, tell me what you remember
7 about this incident.

8 A Again you want a narrative, just
9 tell you the story about how it happened?

10 Q Certainly, yes.

11 A So on the day of the report I went
12 to Mercer Island to visit a friend of mine
13 near his house. He picked an intersection for
14 me to meet him at. We visited for a while.

15 After we separated company he
16 walked home. I went for a little walk and as
17 I was walking I had to use the restroom. So
18 I headed over to the restroom in like I think
19 it was a park I guess and I went in there and
20 used the loader and all.

21 I washed my hands. As I was
22 leaving the restroom from washing my hands I

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1 was met by a female police officer and her
2 first thing she said to me was "what's up
3 with" something along the lines of -- I can't
4 quote her exact words -- "what's up with you
5 shooting the side of the building with paint
6 balls" and I told her I did not have any paint
7 balls. I don't have any paint ball gun. I
8 don't know anything about it.

9 Her and I go out from the restroom
10 to the side of the building and sure enough
11 there was black paint ball on the side of the
12 building. I told her I didn't know anything
13 about it. She -- I gave her my ID that she
14 asked for. She was running my name to the
15 dispatcher.

16 The dispatcher came back and said
17 that I was a convicted felon and registered
18 offender, registered offender here means
19 registered sex offender. She also noticed
20 that I was wearing a necklace with a replica
21 of a King County Sheriff's badge. It's a
22 little medallion or pendant about the size of

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1 a nickle.

2 She asked me where I got that. I
3 told her my gal friend Angie gave it to me.
4 She asked me what Angie's last name was. I
5 said it was none of her business.

6 Right around this time a police
7 sergeant showed up on the scene and he started
8 getting confrontational and was questioning me
9 and asked me about the necklace as well and
10 asked what I was doing on Mercer Island since
11 I'm a registered -- said something about since
12 I was a registered sex offender what am I up
13 to over there.

14 Asked if he could take my
15 photograph. I did not consent to him taking
16 my photograph. I believe there was some more
17 conversation about the paint ball, the paint
18 ball gun. I told him that I didn't have any
19 paint balls and I didn't have any paint ball
20 gun. I knew nothing about it. I was visiting
21 my friend. He asked what my friends name was.
22 I told him my friend's name was Charles. He

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1 wanted to know Charles last name or where
2 Charles lived and I told him it was none of
3 his business and I wasn't going to tell him.

4 And at some point during the
5 convers - the interrogation I consented to let
6 the sergeant search my vehicle specifically
7 for a paint ball or paint ball guns. We
8 walked over to my vehicle which was about a
9 block away. He drove his police car and I
10 walked to my vehicle.

11 I got my keys out the back of the
12 truck. I unlocked the door and he proceeded
13 to search in my vehicle. The first thing he
14 noticed was a flashlight in the door of my
15 pick-up. He asked me something about the
16 flashlight. I don't recall exactly what his
17 comment or question was.

18 He also found a hat in the back of
19 my vehicle. That was the -- I have an
20 extended cab pickup and there was a hat laying
21 on the floor back there that simply said
22 sheriff on it.

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1 And he says well what are you up to
2 , are you impersonating a police. You've got
3 this badge and necklace on. You've got a hat
4 here that says sheriff. You've got a police
5 flashlight and you got radios in your vehicle.
6 Your car looks just like mine. You must be
7 impersonating a police.

8 I told him I wasn't impersonating
9 a police. You know I have a HAM radio license
10 and I think I said something about being
11 involved in Amateur Radio Emergency Services
12 and ARES thing John Schurman was talking about
13 earlier.

14 And they kept asking me questions,
15 interrogating me. I eventually told them I'm
16 not answering any more questions without an
17 attorney and said that they can -- I told them
18 to either arrest me if I committed a crime or
19 if not I'm going to go home. And I gave him
20 my arms to arrest me because he said that I
21 had committed a crime because I was in a
22 locked rest room after hours.

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1 Well, he accused me of paint balls,
2 impersonating a police, the locked bathroom
3 after hours, and being up to something, up to
4 no good on Mercer Island.

5 So he decided to let me go, he
6 released me. But first before he let me take
7 off he had the female officer go over to the
8 bathroom and search the bathroom and see if
9 anything was in there, paint balls or whatever
10 they were looking for.

11 The female officer came back on the
12 radio and told the sergeant that the restroom
13 was clear and the sergeant let me go and that
14 was the end of that incident that evening.

15 Q Okay, this incident occurred -- I'm
16 sorry, did I interrupt you.

17 JUDGE SIPPEL: I think you did.

18 MS. LANCASTER: Sorry.

19 THE WITNESS: I said that was
20 pretty much summed up the incident as I recall
21 it.

22 JUDGE SIPPEL: Okay, go ahead.

1 MS. LANCASTER: Okay.

2 BY MS. LANCASTER:

3 Q This incident occurred
4 approximately 3:00 a.m. in the morning. Is
5 that correct?

6 A That's correct.

7 Q Did you -- do you recall ever
8 telling anyone that the guy that you met you
9 had just met him over the internet and had
10 agreed to meet him for sex?

11 A I did not say that, absolutely not.

12 Q Okay, how long had you known him.
13 Did you know his name?

14 A Yes, I knew his name.

15 Q His entire name?

16 A At the time I did. I can't recall
17 -- oh yes, I do remember his entire name first
18 and last name.

19 Q Okay, so you just refused to tell
20 it on principle?

21 A That's right.

22 Q Okay, and what was the reason that

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1 you didn't meet your friend at his house?

2 A Because he lived with his parents
3 and he's from a very conservative family.

4 Q Is he gay?

5 A He is.

6 Q And were you meeting him to have
7 sex with him?

8 A No, not that night.

9 Q You've had sex with him previously?

10 A Yes I have.

11 Q How old is he. How old was he at
12 this time?

13 A I believe he was 19 at the time.

14 Q And what makes you think that?

15 A From what he told me and him being
16 in college.

17 Q You were in college at 16 weren't
18 you?

19 A I was.

20 Q Did you indicate to the officers
21 that your dad was a police officer?

22 A I believe I did. I don't dispute

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1 that.

2 Q And did you tell the police
3 officers that you got the badge from your
4 friend Angie who had also been a King County
5 Cop?

6 MR. LYON: Objection, I don't think
7 the testimony shows it as a badge. It shows
8 it as a medallion.

9 MS. LANCASTER: It shows it as a
10 badge necklace is the description given in the
11 report and really is a description that Mr.
12 Titus just gave.

13 MR. LYON: The report is not in
14 evidence for the truth of the matter. And Mr.
15 Titus' comment was that it was a medallion.
16 But you can clarify that.

17 BY MS. LANCASTER:

18 Q It looked like a badge Mr. Titus
19 but a minatory one?

20 A My possible specific words were was
21 it was a replica of the King County Sheriff's
22 badge the size of a medallion or pendant.

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1 Approximately the size of the a nickle.

2 Q Okay, and you stated you got it
3 from Angie who had been a King County Law
4 Enforcement Officer?

5 A That's correct.

6 Q Okay.

7 A She was a King County Law
8 Enforcement Officer at the time, that's
9 correct.

10 Q She was at that time?

11 A That's correct.

12 Q But you refused to give her name,
13 her full name?

14 A That's correct.

15 JUDGE SIPPEL: I can't hear -- I
16 hear you now.

17 BY MS. LANCASTER:

18 Q You voluntarily let the officers
19 who stopped you search the inside of your
20 truck. Is that correct?

21 A Yes.

22 Q And it's your testimony that the

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1 Sheriff's cap was on the floor in the back
2 seat?

3 A On the floorboard behind the
4 passenger and driver seat.

5 Q Would that be visible from outside
6 of the truck?

7 A No, I don't believe so.

8 Q Okay, and the flashlight you refer
9 to is a Mag-Lite of the sort that law
10 enforcement officials carry?

11 A Can you define of the sort?

12 Q Well you have a step-father who is
13 a police officer, correct?

14 A That's correct.

15 Q Is it the kind of carries?

16 A I do actually have the exact one
17 that he carries right now.

18 Q Okay, and he's a police officer
19 right now isn't he?

20 A That's correct.

21 Q Okay, and the type of antenna that
22 you have is referred to as a whip antenna, is

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1 that true?

2 A That's true.

3 Q And is it frequently that type of
4 antenna used on law enforcement vehicles?

5 A Most law enforcement vehicles that
6 I see do have whip antennas, yes.

7 Q This is not the first instance
8 where someone has thought that you were a law
9 enforcement officer is it?

10 MR. LYON: Objection Your Honor,
11 she is asking the witness what other people
12 think. He is not competent to testify as to
13 what anyone else thinks.

14 MS. LANCASTER: He's certainly
15 competent to testify if those people made any
16 representation to him or asked him whether he
17 was a law enforcement, Your Honor.

18 JUDGE SIPPEL: Well is your
19 question does he recall any incident when he
20 was asked by someone as to whether or not he
21 was a law enforcement officer?

22 MS. LANCASTER: Yes, I'll change it

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1 to that. That will be fine, thank you.

2 JUDGE SIPPEL: Do you understand
3 that Mr. Titus?

4 THE WITNESS: My understanding of
5 the question is is if I have ever been asked
6 if I'm a law enforcement officer?

7 MR. LYON: And let me add in an
8 additional objection to that as irrelevant.

9 JUDGE STPPEL: Well I'll buy the
10 irrelevance. But I'm going to let it in
11 anyway. We've gone this far with it.

12 Have you had that situation where -
13 - well you know the question.

14 THE WITNESS: Yes I have.

15 BY MS. LANCASTER:

16 Q When?

17 A Many times.

18 Q Were you asked by the woman in the
19 collision that you had, that we just
20 discussed. Did that woman ask you if you were
21 a law enforcement officer?

22 A I believe she did ask me that.

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1 Q And did you refuse to tell her?

2 A I did not tell her what I did. I
3 believe my comment to her was I'm not telling
4 you what I do.

5 Q Okay, and how many other times have
6 you been asked if you were a law enforcement
7 officer?

8 MR. LYON: Continuing objection as
9 to relevance, Your Honor.

10 JUDGE STIPPEL: Yes I -- no, I will
11 let it in. I'll let it in. Go ahead.

12 THE WITNESS: One example is
13 there's a pawn shop across the street from my
14 residence and the pawn shop owner one day said
15 to me that everybody in the neighborhood, all
16 the bad people in the neighborhood think that
17 I am a cop every time I come around the
18 corner. He said you see people squirm out of
19 the way. Drug users and stuff there. They
20 assume I'm a cop.

21 I've had people just -- now in my
22 own person and they say they think I look like

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1 a cop.

2 BY MS. LANCASTER:

3 Q Don't you frequently put the
4 Sheriff's cap in your vehicle in such a way
5 that it can be viewed by the public?

6 A No, I do not frequently do that.

7 Q It's not up on your dash board?

8 A It was on my dash board at one
9 time.

10 Q One time only?

11 A That's right.

12 Q For how long?

13 A I don't recall for sure. I think
14 probably a day or two, maybe three.

15 Q So what is your -- do you have an
16 explanation as to why so many people seem to
17 think you're a law enforcement officer?

18 A No I do not except for people
19 comments that they say that I look like one.
20 Some people also assume that I believe because
21 of the antennas on the vehicle. I keep my
22 antennas a little conservative unlike some

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1 other HAM radio people. So some people might
2 think it's a law enforcement vehicle.

3 Q Mr. Titus would you go to page 42
4 of Exhibit 4.

5 A Is that the Department of
6 Correction Notice of Violation?

7 Q Yes it is.

8 A Yes, I've got that here ma'am.

9 Q Would you look where it says
10 previous action. Do you see that?

11 A Yes I do.

12 Q Look at the first paragraph in
13 that. Do you recall being subject to a non-
14 compliance hearing on May 26, 1995?

15 A I do remember some details of this
16 continuing event. Specific dates I don't know
17 for sure. I don't dispute those dates.

18 When I went through this before I
19 have disputed in my mind some of the probation
20 officers, his version of the events.

21 Q But you do remember having a non-
22 compliance hearing and the charge being

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1 against you being that you failed to
2 participate with crime related treatment as
3 being determined by the sex offender treatment
4 program. Do you recall that?

5 A From what I understood is that the
6 crime or the violation was that because I
7 looked at the pornography.

8 Now if there was additional stuff
9 to that which this states I wasn't aware of
10 that at that time. I don't know if the
11 minutes that were faxed over today would shed
12 any light on that because I think there's some
13 difference between what happened in the Court
14 and what this document says.

15 Q Mr. Titus, if you look at paragraph
16 two which states on 8/24/95 there was another
17 non-compliance hearing and I believe that that
18 one has to do with the pornography.

19 A I'm not going to dispute any of
20 this. I'm sorry.

21 Q Okay, so just -- you had a hearing
22 in May of '95 because the allegation was that

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1 you were not complying with treatment and at
2 that time they gave you a chance to provide
3 proof that you had complied with treatment.

4 Is that your understanding of the
5 first paragraph, the summary of the first
6 paragraph and if you have any recollection of
7 that please let me know?

8 A I think there was some hearings.
9 I think these so called things -- so called
10 review hearings were hearings that were held
11 without me being present.

12 I had only gone to the courthouse
13 in Benton County from Seattle one time that I
14 recall. That's when I went in front of the
15 Judge on the violation.

16 Q On the pornography violation?

17 A That's correct, that's my
18 recollection.

19 Q Okay, and he -- they did not find
20 a violation. They gave you another chance to
21 comply with treatment. Is that a correct
22 summary of what occurred?

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1 A The -- well I don't know if it was
2 necessarily another chance. But the Judge,
3 based on my attorney's arguments and my
4 testimony, the Judge failed to agree with the
5 states motion I guess is the way to put it.
6 I can't remember what the wording is.

7 But he basically didn't violate me.
8 He found that I didn't violate the probation
9 violation or found me not guilty. I don't
10 know the proper wording or how that really
11 evolved.

12 But essentially I was told going in
13 there that I was going to get a probation
14 violation and get some time in jail for the
15 probation violation and was warned not to take
16 it from the Judge. And I said that I wanted
17 to go in front of the Judge and the Judge
18 threw it out.

19 Q Okay, what the Judge did according
20 to this, the second paragraph on this form we
21 were just discussing is he gave you an
22 opportunity to pursue treatment with Dr.

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1 Allmon. Do you recall that?

2 A That time frame is before that
3 hearing. That hearing -- that non-compliance
4 hearing I don't believe that happened until
5 like October of '96 I believe.

6 Q Do you happen to know Daniel Acker?

7 A Yes I do.

8 Q And who is he?

9 A He was my probation officer at the
10 time.

11 Q So this is a report prepared by
12 Daniel Acker?

13 A That's correct.

14 Q But you are disputing the facts
15 that are set forth in the report?

16 A Yes, I do dispute some of these
17 facts, yes.

18 Q Okay, tell me specifically which
19 facts or statements you dispute, that you
20 think are incorrect.

21 A The only thing that I -- it would
22 be easier if I told you the only thing that I

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1 thought was correct, was that I had been
2 violated for -- my admitting before a
3 polygraph test that I had viewed pornography
4 and that got drug out through all of these
5 hearings that I wasn't involved with for quite
6 a few months.

7 And at some point I believe the
8 probation officer somehow got so I would
9 actually go into the hearing at the courthouse
10 and that's why I went to the hearing. All
11 these other things I don't know of these other
12 things.

13 Q Okay.

14 A I'm not denying them. I just, you
15 know I just don't know them as this way. I
16 can't dispute what he writes. I was hoping
17 that fax that comes in can shed some light on
18 this.

19 JUDGE STIPPEL: You hope what. I
20 didn't hear that.

21 THE WITNESS: I was hoping that the
22 fax that came into you guys would shed some

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1 light on this because that's the clerks
2 minutes from the hearing in the Court.

3 And I wanted to actually look at
4 that myself to see if it matched up with this
5 report sent to me because I believe there's
6 some inaccuracies in this report that Dan
7 Acker wrote.

8 BY MS. LANCASTER:

9 Q Mr. Titus, look on page 43, the
10 next page. Under where it says violation one.

11 MR. LYON: Before we do that is it
12 possible to take a short break?

13 JUDGE SIPPEL: Certainly, he's been
14 on over an hour and 15 minutes in the witness
15 chair. How long do you want to take a break
16 for?

17 MR. LYON: Three or four minutes.

18 JUDGE SIPPEL: Well we'll take a
19 ten minute break, okay?

20 THE WITNESS: Okay.

21 JUDGE SIPPEL: So we're off the
22 record Mr. Reporter.

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